

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DENNIS LEE MULFORD,

Plaintiff,

v.

WASHOE COUNTY, STATE OF NEVADA,

Defendant.

Case No. 3:23-CV-00104-ART-CLB

**ORDER TO PAY FILING FEE
OR FILE APPLICATION TO
PROCEED *IN FORMA PAUPERIS***

I. DISCUSSION

On March 15, 2023, Plaintiff Dennis Mulford ("Mulford"), an inmate in the custody of the Washoe County Detention Center, submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Mulford also submitted an application to proceed *in forma pauperis*, (ECF No. 1), however the application is incomplete and is thus denied with leave to refile.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Mulford a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents,

1 or in the alternative, pay the full \$402 filing fee for this action on or before **Monday, May**
 2 **8, 2023**. Absent unusual circumstances, the Court will not grant any further extensions of
 3 time.

4 If Mulford is unable to file a fully complete application to proceed *in forma pauperis*
 5 with all three required documents or pay the full \$402 filing fee on or before **Monday, May**
 6 **8, 2023**, this case will be subject to dismissal without prejudice for Mulford to file a new
 7 case with the Court when Mulford is either able to acquire all three of the documents
 8 needed to file a fully complete application to proceed *in forma pauperis* or pays the full
 9 \$402 filing fee.

10 A dismissal without prejudice means Mulford does not give up the right to refile the
 11 case with the Court, under a new case number, when Mulford has all three documents
 12 needed to submit with an application to proceed *in forma pauperis*. Alternatively, Mulford
 13 may choose not to file an application to proceed *in forma pauperis* and instead pay the
 14 full filing fee of \$402 on or before **Monday, May 8, 2023** to proceed with this case.

15 The Court will retain Mulford's civil rights complaint (ECF No. 1-1), but the Court
 16 will not file the complaint unless and until Mulford timely files a fully complete application
 17 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

18 **II. CONCLUSION**

19 For the foregoing reasons, **IT IS ORDERED** that Mulford's application to proceed
 20 *in forma pauperis*, (ECF No. 1), is **DENIED**, with leave to refile consistent with the above.

21 **IT IS FURTHER ORDERED** that the Clerk of the Court will **SEND** Mulford the
 22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 23 document entitled information and instructions for filing an *in forma pauperis* application.

24 **IT IS FURTHER ORDERED** that on or before **Monday, May 8, 2023**, Mulford will
 25 either pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and
 26 the \$52 administrative fee) or file with the Court:

27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this

28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

1 signatures on page 3),

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
3 official (i.e. page 4 of this Court's approved form), and

4 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
5 **previous six-month period.**

6 **IT IS FURTHER ORDERED** that, if Mulford does not file a fully complete
7 application to proceed *in forma pauperis* with all three documents or pay the full \$402
8 filing fee for a civil action on or before **Monday, May 8, 2023**, this case will be subject to
9 dismissal without prejudice for Mulford to refile the case with the Court, under a new case
10 number, when Mulford has all three documents needed to file a complete application to
11 proceed *in forma pauperis* or pays the full \$402 filing fee.

12 **IT IS FURTHER ORDERED** that the Clerk of the Court will retain the complaint
13 (ECF No. 1-1) but will not file it at this time.

14 **IT IS SO ORDERED.**

15 **DATED:** March 23, 2023

16 
17 **UNITED STATES MAGISTRATE JUDGE**
18
19
20
21
22
23
24
25
26
27
28